



State of Utah

Department of Natural Resources

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas & Mining

JOHN R. BAZA
Division Director

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

October 30, 2006

Ed Rogers
Wright/Garff Resources, LLC,
1675 Beck Street
Salt Lake City, UT 84116

Subject: Notice of Intention to Commence Small Mining Operations, Wright/Garff Resources, LLC., Browns Canyon Quarry, M0430030, Task ID # 1532, Summit County, Utah

Dear Mr. Rogers:

The Division cannot continue to process the Notice of Intent to Commence Small Mining Operations (NOI) for the Browns Canyon Quarry, received August 9, 2006 at this time. We understand that you have ownership of the mineral estate but that you do not own the surface estate. The owner of the surface estate has a large mine permit on the same area of your proposed operations. As owner of the mineral estate you have the right to extract minerals, but you also must provide reasonable compensation and make reasonable accommodation for the surface estate owner's use of the lands. This resolution of competing rights will likely result in changes in operations by the owner of the surface estate in ways that the Division cannot direct. Until you either reach a voluntary agreement with the surface owner, or have your respective rights adjudicated, the Division is unable to proceed with the evaluation of your notice. The Division is not authorized to determine the validity of competing claims to the use of the property.

The Division received a \$150.00 permitting fee on August 29, 2006 for this site. We are requesting our accounting group to refund this fee. A check should be mailed to you in the near future. When the relative rights of both parties to use the surface for their respective purposes has been resolved (beyond that as established by the January 13, 1997 District Court of the Third Judicial District in and for Summit County), you may either proceed to apply for a transfer of the portion of the current permit that is included in your mining plan or agree that the existing permit be amended subject to your providing an acceptable replacement mining and reclamation plan with an adequate surety.

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If you disagree with this determination please feel free to provide me with the benefit of your objections in writing or if you wish you may appeal this decision as provided for at R647-4-116 and R647-5-1 et seq. Thank you for your cooperation on this permitting action.

Sincerely,

A handwritten signature in black ink that reads "Susan M. White". The signature is written in a cursive style with a large, stylized 'S' and 'M'.

Susan M. White
Mining Program Coordinator
Minerals Regulatory Program

SMW:SW:jb
cc: Lon Thomas
Steve Alder
Mary Ann Wright
Lynn Kunzler
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